

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD EUGENE GRAY, JR.,

Plaintiff,

v.

HIGGINS, et al.,

Defendants.

No. 2:22-CV-0555-KJM-DMC-P

ORDER

Plaintiff, a federal prisoner proceeding pro se, brings this civil rights action. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On November 2, 2022, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.¹

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are

¹ Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations
2 of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]
3 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be
4 supported by the record and by the proper analysis, and finds dismissal for lack of prosecution
5 sufficient to resolve the case at this time.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed November 2, 2022, are adopted in
8 full;
- 9 2. This action is dismissed without prejudice for lack of prosecution and
10 failure to comply with court rules and orders; and
- 11 3. The Clerk of the Court is directed to enter judgment and close this file.

12 DATED: January 24, 2023.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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